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OFFICE OF PETITIONS

In re Application of

Zawadzki, et al.

Application No. 09/436,146

Filed: November 9, 1999

Attorney Docket No. 247/235

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DECISION ON PETITION

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This is a decision on the petition under 37 CFR §1.137(b), November 21, 2005, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely file corrected drawings in response to the Notice of Allowability mailed May 4, 2004. The Notice set forth a three (3) month statutory period for reply. No response was received within the allowable period. Accordingly, this application became abandoned on August 5, 2004. A Notice of Abandonment was mailed on August 17, 2005.

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

Corrected drawings were received on September 12, 2005.

Deposit account 03-3117 will be charged \$750.00 for the instant petition fee.

The application is being forwarded to the Office of Patent Publications for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions